

AN ORDINANCE PROVIDING FOR THE
REMOVAL OF MEMBERS OF THE FORT WAYNE
POLICE OR FIRE DEPARTMENT FROM UPPER
LEVEL POLICYMAKING POSITIONS.

WHEREAS, State law provides that the Mayor may remove members of the Fort Wayne Police and Fire Departments from upper level policymaking positions provided the member is not reduced to a rank below that which he held before his appointment to the upper level policymaking position;

WHEREAS, some confusion exists as to whether prior actions of this Council, particularly with regard to the Fire Department, have limited this statutory authority of the Mayor;

WHEREAS, the Common Council desires to eliminate any such confusion.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FORT WAYNE, INDIANA:

SECTION 1. There is added to the Fort Wayne City Code a new Section 34.08 to read as follows:

"Section 34.08 UPPER LEVEL POLICYMAKING POSITIONS.

(A) "Upper Level Policymaking Positions" shall mean the Police Chief and the two (2) ranks below Police Chief.

(B) The Mayor may reduce in rank any member of the Police Department who holds an upper level policymaking position, as provided in I.C. 36-8-3-49(m), provided that the member is not reduced to a rank below that which he held before his appointment to the upper level policymaking position."

SECTION 2. There is added to the Fort Wayne City Code a new Section 35.01 to read as follows:

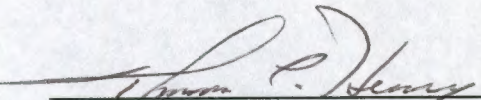
"Section 35.01. UPPER LEVEL POLICYMAKING POSITIONS.

(A) "Upper Level Policymaking Positions" shall mean the Fire Chief and the two (2) ranks below Fire Chief.


(B) The Mayor may reduce in rank any member of the Fire Department who holds an upper level policymaking position, as provided in I.C. 36-8-3-4(m), provided that the member is not reduced to a rank below that which he held before his appointment to the upper level policymaking position."

SECTION 3. All ordinances previously adopted that are in conflict with this ordinance are hereby expressly repealed.

SECTION 4. That this Ordinance shall be in full force and effect from and after its passage and any and all necessary approval by the Mayor.


Council Member

APPROVED AS TO FORM
AND LEGALITY


J. TIMOTHY MCCAULAY, CITY ATTORNEY

Read the first time in full and on motion by Edmonds, seconded by _____, and duly adopted, read the second time by title and referred to the Committee Committee of the Whole (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Common Council Conference Room 128, City-County Building, Fort Wayne, Indiana, on _____, the _____, day of _____, 19____, at _____ o'clock _____ M., E.S.T.

DATED: 2-5-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by _____, seconded by _____, and duly adopted, placed on its passage. PASSED ~~lost~~ by the following vote:

	AYES	NAYS	ABSTAINED	ABSENT
TOTAL VOTES	<u>9</u>			
BRADBURY	<u>✓</u>			
EDMONDS	<u>✓</u>			
GIAQUINTA	<u>✓</u>			
HENRY	<u>✓</u>			
LONG	<u>✓</u>			
LUNSEY	<u>✓</u>			
RAVINE	<u>✓</u>			
SCHMIDT	<u>✓</u>			
TALARICO	<u>✓</u>			

DATED: 2-23-93

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)

(SPECIAL) (ZONING)

ORDINANCE

RESOLUTION NO.

5-06-93

on the 23rd day of February, 1993

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Mark P. GiaQuinta
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana, on the 24th day of February, 1993, at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 1st day of March, 1993, at the hour of 10 o'clock A. M., E.S.T.

PAUL HELMKE
PAUL HELMKE, MAYOR

DIGEST SHEET

TITLE OF ORDINANCE GENERAL ORDINANCE

DEPARTMENT REQUESTING ORDINANCE BOARD OF SAFETY

SYNOPSIS OF ORDINANCE ADOPTS STATE LAW CONCERNING REMOVAL OF
MEMBERS OF FORT WAYNE POLICE AND FIRE DEPARTMENTS FROM UPPER LEVEL
POLICYMAKING POSITIONS.

J-93-02-09

EFFECT OF PASSAGE MEMBERS MAY BE REDUCED TO PRIOR RANK HELD PRIOR
TO TAKING UPPER LEVEL POLICYMAKING POSITION.

EFFECT OF NON-PASSAGE CONFUSION AS TO REMOVAL AUTHORITY
PARTICULARLY IN FIRE DEPARTMENT.

MONEY INVOLVED (DIRECT COSTS, EXPENDITURES, SAVINGS) _____

ASSIGNED TO COMMITTEE (PRESIDENT) _____

BILL NO. G-93-02-09

REPORT OF THE COMMITTEE ON
THE COMMITTEE OF THE WHOLE
THOMAS C. HENRY - CHAIRPERSON
MARK E. GIAQUINTA - VICE CHAIRPERSON
ALL COUNCIL MEMBERS

WE, YOUR COMMITTEE ON THE COMMITTEE OF THE WHOLE TO WHOM WAS
REFERRED AN (ORDINANCE) (~~RESOLUTION~~) PROVIDING FOR THE
REMOVAL OF MEMBERS OF THE FORT WAYNE POLICE OR FIRE DEPARTMENT
FROM UPPER LEVEL POLICYMAKING POSITIONS

HAVE HAD SAID (ORDINANCE) (~~RESOLUTION~~) UNDER CONSIDERATION
AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID
(ORDINANCE) (~~RESOLUTION~~)

DO PASS

DO NOT PASS

ABSTAIN

NO REC

Thomas C. Henry
CR E. Henry
Mark E. Giaquinta
Sam Talavera
Allee Lauer
Bradbury
OSuma

DATED: 2-23-93.

Sandra E. Kennedy
City Clerk